

REMARKS

Applicant respectfully request a three month extension and submit the appropriate fee as set forth in 37 C.F.R. §1.17(a) herewith.

Claims 15, 19, 41, 54, 56, 60, 62, 64, 66, 76, 122-134 and 137 were pending. Applicant has canceled claims 15, 19, 41, and 122-132 without prejudice. Claims 54 and 62 were amended. Claim 62 was amended to change the dependency of the claim. Therefore, claims 54, 56, 60, 62, 64, 66, 76, 133, 134 and 137 are pending.

No new matter has been added.

Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 15, 19, 41, 62, 64, 66, 122-132 and 135-137 under 35 U.S.C. § 112, first paragraph, as not enabled. Applicant has canceled claims 15, 19, 41, and 122-132 to facilitate allowance of the remaining claims, without conceding that the canceled claims are not enabled.

Several of the rejected claims relate to nucleic acid molecules, not pharmaceutical compositions, which were the basis for the enablement rejection.

Claims 60, 62, 64 and 66 recited (and still recite) are directed to isolated expression vectors and host cells that include such vectors. Claim 62 was amended to depend from claim 54 (isolated nucleic acid), not claim 15 (pharmaceutical composition), to remove any objection to the claims as dependent from a rejected claim.

It is not clear why claims 135-137 were rejected. Claim 135 and 136 were not (and are not) pending, having already been canceled prior to the instant Office Action. Claim 137 depends from claim 76 (directed to a kit), which claim was not rejected. Applicant believes that the rejection of these claims were made in error.

In view of the claim amendments and arguments presented above, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under 35 U.S.C. 112, first paragraph.

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claim 54 under 35 U.S.C. § 102(b) as being anticipated by the random primer [5'd(NNNNNN)3'] set forth on page 91 of the 1993-1994 New England Biolabs, Inc. catalog.

Applicant, while disagreeing that the complement of a complement of nucleic acid molecules that hybridize to SEQ ID NO:23 and which codes for a cancer associated antigen precursor would be anticipated by a random hexamer primer, has nevertheless amended claim 54 to delete part (c) that recites such complements.

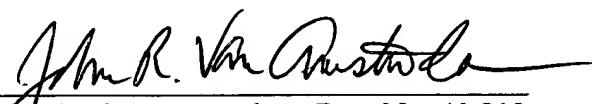
Accordingly, in view of the claim amendments and reasoned statements above, Applicants respectfully request the Examiner reconsider and withdraw the rejections made under 35 U.S.C. § 102(b).

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,


John R. Van Amsterdam, Reg. No. 40,212
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
(617)720-3500
Attorney(s) for Applicants

Docket No. L0461.70086US00

Date: September 28, 2004

X10/20/04